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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,390	05/09/2001	Mark S. Taylor	COSA-1-1016	5503
25315	7590	08/09/2004	EXAMINER	
BLACK LOWE & GRAHAM, PLLC 701 FIFTH AVENUE SUITE 4800 SEATTLE, WA 98104			CHEUNG, MARY DA ZHI WANG	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,390

Applicant(s)

TAYLOR ET AL.

Examiner

Mary Cheung

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NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Status of the Claims

1. This action is in response to the application filed on May 9, 2001. Claims 1-30 are pending.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description:

- a) Figure 2 fails to show the reference numbers (i.e. blocks 60-68) mentioned in page 5 line 29 – page 7 line 28 of the specification;
- b) Figure 4 fails to show the reference number (lifecycle 80) mentioned in page 8 lines 4-5 of the specification;
- c) Figure 9 fails to show the reference numbers (i.e. blocks 100-114) mentioned in page 9 lines 13-20 of the specification;
- d) Figure 10 fails to show the reference numbers (i.e. blocks 150-162) mentioned in page 9 lines 24-30 of the specification;
- e) Figure 12 fails to show the reference numbers (i.e. blocks 180-196) mentioned in page 10 lines 10-17 of the specification;
- f) Figure 13 fails to show the reference numbers (i.e. blocks 210-220) mentioned in page 10 lines 19-23 of the specification;
- g) Figure 14 fails to show the reference numbers (i.e. blocks 250-260) mentioned in page 10 lines 24-28 of the specification.

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Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: page 5 line 29 and line 31 of the specification, the phrase "blocks 62-68" should be "blocks 60-68". Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-15 merely claim a computer program product. Applicant fails to specify the computer program product is stored in a computer readable media and comprising computer executable codes; thus, the computer program product is considered as functional descriptive material or software per se or a data structure. According to

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MPEP 2106 IV B 1, functional descriptive material without storing on a computer readable media is directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3, 5-12 and 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Wiser et al. U. S. Patent 6,385,596.

As to claim 1, Wiser teaches a computer program product comprising:

- a) a case creation component for creating, at a creator system, a case by inserting item information and a distributor public key into a first block, wherein the distributor public key is at least one of a specific distributor or a randomly selected public key, and if the case is to include digital content, inserting digital object information and a digital object into a second block (column 6 line 48 – column 8 line 17 and column 11 line 63 – column 12 line 67 and Figs. 1-2, 5A; specifically, “a creator system” corresponds to the “authoring tool 102” in Wiser’s teaching, “a distributor” corresponds to the “content manager 112”);
- b) a case information component for inserting, at a managing system coupled to the creator system over a network, case information and a managing system

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public key into the first block of the created case and signing the first block and second block, if present in the case (column 11 line 63 – column 12 line 67 and Figs. 1-2, 5A; *specifically, “managing system” corresponds to the “content manager 112” in Wiser’s teaching*);

c) a case prime component for inserting, at a distributor system coupled to the managing system over the network, distributor information, item information, item options, mutation rules and a passer public key into a third block in the case, and signing the third block (column 8 lines 18-41; *“a case prime component” corresponds to the “media voucher 300” in Wiser’s teaching*);

d) a case receiving component for receiving at a station unit a case from at least one of the distributor system or managing system over the network (column 8 lines 40-41 and Fig. 1A);

e) a case passing and purchase component for at least one of retrieving a case from a first station unit to a second station unit or receiving a case at a second station unit from a first station unit and selecting the retrieved or received case, for inserting at the first station unit, item information, and a receiver public key into a fourth block in the case, and signing the fourth block, and creating a new case using the selected case as a root, wherein the new case comprises a data section of consumer purchase data, and wherein the first and second station unit are disconnected from the network (column 13 line 4 – column 14 line 35);

f) a passing notification component for sending a notification from the station unit to the managing system over the network after the station unit has passed a

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case to another station unit and when the station unit has been recoupled to the managing system over the network (column 13 line 4 – column 14 line 35).

As to claim 2, Wiser teaches the passing notification component comprises a commission component for applying a commission to a user account associated with a station unit that passes a case to another station unit, whereby the user associated with the receiving station unit subsequently purchases an item associated with the passed case, wherein the passing station unit is associated with a user that was previously designated a sales associates (column 9 lines 40-52 and column 11 lines 49-61).

As to claim 3, Wiser teaches the station units are associated with consumers (Fig. 1A).

As to claim 5, Wiser teaches the item information comprises encrypted distributor price information and distributor comments (column 6 lines 59-67 and column 15 lines 44-55).

As to claim 6, Wiser teaches the item information identifies a physical item (column 8 lines 27-41).

As to claims 7-8, Wiser teaches the mutation rules define how the case can be mutated (column 8 lines 31-32 and column 22 lines 1-40).

As to claim 9, Wiser teaches the item options comprise selectable features of an associated product (column 7 lines 4-16 and column 14 lines 40-47).

As to claim 10, Wiser teaches the case prime component further inserts dynamic data (column 8 lines 28-41).

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As to claim 11, Wiser teaches the dynamic data comprises distributor price and sales associate private key, if the passer public key was randomly selected (column 4 lines 13-27 and column 8 lines 28-41 and column 15 lines 44-55).

As to claim 12, Wiser teaches the case prime component further inserts an object into the third block and sends the case to the managing system for signing (column 13 line 42 – column 14 line 5).

As to claim 14, Wiser teaches the case information component automatically inserts the case information and the managing system public key (column 11 line 63 – column 12 line 67 and Figs. 1-2, 5A).

As to claim 15, Wiser teaches the digital object comprises one or more of a digital recording of music, images, or video (column 12 lines 4-11).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. U. S. Patent 6,385,596.

As to claim 13, Wiser teaches a passing notification component as discussed above. Wiser does not specifically teach the passing notification component sends all unprocessed cases to the managing system. It would have been obvious to one of ordinary skill in the art to allow Wiser's teaching to send all unprocessed cases to the managing system for allowing the managing system to better track distribution of the digital contents.

11. Claims 4, 16-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al. U. S. Patent 6,385,596 in view of Downs et al., U. S. Patent 6,574,609.

As to claim 16, Wiser teaches all the claimed features as discussed in claim 1 above except for a transmitter/receiver transmitting and receiving wireless data. However, Downs teaches using wireless technology to distributing digital contents (column 7 lines 4-12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow Wiser's teaching to include the wireless technology for transmitting and receiving data in a convenient matter.

As to claim 17, Wiser teaches the passing notification component comprises a commission component for applying a commission to a user account associated with a station unit that passes a case to another station unit, whereby the user associated with the receiving station unit subsequently purchases an item associated with the passed

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case, wherein the passing station unit is associated with a user that was previously designated a sales associates (column 9 lines 40-52 and column 11 lines 49-61).

As to claim 18, Wiser teaches the station units are associated with consumers (Fig. 1A).

As to claims 4 and 19, Wiser teaches the case creation component as discussed above. Wiser does not specifically teach the case creation component inserts link information, if a created case is to inherit properties from one or more other created cases. Downs teaches inserting link information that inherits properties from one or more other created cases (column 72 lines 8-24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the created case component in Wiser's teaching to include inserting link information that inherits properties from one or more other created cases for fast and easily adding information that already existed to a new case.

As to claim 20, Wiser teaches the item information comprises encrypted distributor price information and distributor comments (column 6 lines 59-67 and column 15 lines 44-55).

As to claim 21, Wiser teaches the item information identifies a physical item (column 8 lines 27-41).

As to claims 22-23, Wiser teaches the mutation rules define how the case can be mutated (column 8 lines 31-32 and column 22 lines 1-40).

As to claim 24, Wiser teaches the item options comprise selectable features of an associated product (column 7 lines 4-16 and column 14 lines 40-47).

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As to claim 25, Wiser teaches the case prime component further inserts dynamic data (column 8 lines 28-41).

As to claim 26, Wiser teaches the dynamic data comprises distributor price and sales associate private key, if the passer public key was randomly selected (column 4 lines 13-27 and column 8 lines 28-41 and column 15 lines 44-55).

As to claim 27, Wiser teaches the case prime component further inserts an object into the third block and sends the case to the managing system for signing (column 13 line 42 – column 14 line 5).

As to claim 28, Wiser teaches a passing notification component as discussed above. Wiser does not specifically teach the passing notification component sends all unprocessed cases to the managing system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow Wiser's teaching to send all unprocessed cases to the managing system for allowing the managing system to better track distribution of the digital contents.

As to claim 29, Wiser teaches the case information component automatically inserts the case information and the managing system public key (column 11 line 63 – column 12 line 67 and Figs. 1-2, 5A).

As to claim 30, Wiser teaches the digital object comprises one or more of a digital recording of music, images, or video (column 12 lines 4-11).

Conclusion

12. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified

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citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Katz et al. (U. S. Patent 5,926,624) discloses a computer network based digital information library system employing authentication and encryption protocols for the secure transfer of digital information library programs to a client computer system and a mobile digital information playback device removably connectable to the client computer system.

Collart (U. S. Patent 6,665,489) discloses tracking the distribution of content electronically.

Rodgers et al. (EP 1 209 592 A1) discloses distributing electronic content via the internet involves transmitting license data with the content.

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Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 872-9306 (Official Communications; including After Final
Communications labeled "BOX AF")

(703) 746-5619 (Draft Communications)

Hand delivered responses should be brought to Crystal Plaza Two, Room 1B03.

Mary Cheung
Patent Examiner
Art Unit 3621
August 5, 2004

